

The January 26, 2010 meeting of the Newtown Village Council was called to order at 7:00 p.m. by Mayor Curt Cosby, who led the Pledge of Allegiance to the Flag.

<b>Councilmember's:</b>	Brian Burns	Mark Kobasuk
	Doug Evans	Curt Tiettmeyer (absent)
	Joe Harten	Daryl Zornes

**Mayor:** Curt Cosby  
**Solicitor:** Doug Miller  
**Fiscal Officer:** Keri Everett  
**Police Chief:** Tom Synan

#### Fire/EMS Service Options for the Village of Newtown

Mr. Bill Kramer, and Randy Hanifen, fire service consultants with Kramer and Associates presented Mayor and Council with Fire/EMS Service Options for the Village of Newtown. The three options presented were:

- 1) Continue to contract with Little Miami Fire District
- 2) Contract with adjacent communities
- 3) Create own Newtown "Village" Fire Department

After much discussion,

#### Contract with Kramer & Associates

**Mr. Kobasuk made a motion to authorize Mayor Curt Cosby to sign a contract with William Kramer and Associates, amount not to exceed \$10,000 to review Fire/EMS options for the Village of Newtown, money to be taken from the Fire Fund. Mr. Harten seconded the motion.**

#### Discussion

Mayor Cosby said the money will be taken from the Fire Fund. Mr. Kobasuk said the Fire Fund is from when the Village had the Fire Service in 2002; therefore, the \$10,000 will not be coming out of regular budget. Mr. Kobasuk said \$10,000 is a bargain to obtain an independent objective analysis that will serve everyone well. The analysis will be a public document available on the website. Mr. Kobasuk said when Council makes their decision everyone will have the same information.

Mr. Zornes said this will be a comprehensive study of various options for providing Fire and EMS protection, including Newtown, Little Miami, Anderson Township and other adjacent communities. Mayor Cosby said as he understands it, it will be the cost and benefit of staying in the district, cost and benefit of restarting our own fire department and the cost and benefit of contracting with Anderson Township or possibly with Mariemont. Mr. Kobasuk asked Mr. Zornes if he had any other suggestions to be included with these options. Mr. Zornes said no he just wanted to make sure for the record that it would not be just one or two options. Mr. Kobasuk said there are three options.

Mr. Evans asked Fire Chief Driggers about the ownership of the fire apparatus the Village contributed to the Fire District. Chief Driggers said there is a formula if Newtown were to withdraw from the district; there is an evaluation scale formula that Newtown would be entitled to x amount of dollars or a value of equipment that would meet that formula. He said it could very well be the same equipment that was initially put into the Fire District.

Mayor Cosby asked what the timeframe would be to complete the study. Mr. Kramer said they will be committed to complete the study in 45 days from the time the contract is signed, which will be around mid-March for the first draft.

**All Aye. (Mr. Tiettmeyer-Absent) Motion Carried.**

#### Newtown Flower & Garden Fair

Pauline Murrie spoke to Council regarding the prospect of having a Flower & Garden Fair was recently presented to the Newtown Business Association. The NBA took a vote today, not in favor of sponsoring the proposed Flower and Garden Fair, due to the short timeline for planning for this May event. The Newtown Garden Club has been formed and has agreed to sponsor this event. Details will be brought before Council at the 2-9-2010 Council meeting.

#### Property Maintenance Inspector

Mr. Dick Weber, Property Maintenance Inspector for the Village of Newtown introduced himself to the new councilmen. Mr. Weber said he has heard council may be considering combing the duties of PMI into the Street Commissioner's position. He asked council to please take into consideration that there is more involved in correctly and legally accomplishing resolution to property maintenance issues. Mr. Weber said many issues have been resolved in the four years he has worked in this capacity. Mr. Weber said, to completely eliminate the position and give to someone that doesn't know what they are doing would be detrimental to the progress that has been made. Mr. Weber presently works two days a week in the village; the current work load could possibly be done in one day a week. Mr. Weber's current rate is \$32.50/hr or \$260.00 per day.

Mr. Evans said Mr. Weber has done a good job. Mr. Weber said the objective is to reduce property blight and increase values of the property. And it is important to maintain what has been accomplished and vacating the position would be the wrong direction to go. Mr. Weber's contract was not renewed in December 2009, which was not a reflection on the service provided by Mr. Weber; this allowed the new council time to understand the job duties involved in the PMI position before renewing the contract for 2010, said Mr. Kobasuk. Mr. Weber said there no hard feelings that it was a common sense move. Solicitor Miller said somehow Mr. Weber is getting things accomplished without having very many cases brought to court. Mayor Cosby said the Village doesn't want to go backwards in service with property falling into disrepair.

#### Website Committee

Mayor Cosby asked that the Human Resource and Communications committee call a meeting to review the website issues. He said the goal is to make the website more interactive without having to call upon the webmaster for every little addition/deletion. Mr. Zornes will set a date and time for the committee to meet at the 2-9-2010 Council meeting.

#### Board of Zoning Appeals Opening

The Board of Zoning Appeals meets the 1st Thursday of each month at 6:30pm (as needed) to review any appeals to the zoning code. The Board consists of council members Brian Burns and Daryl Zornes, Building Commissioner Mike Spry and three residents. Currently, there is one resident-at-large opening. This is a great opportunity to serve your community and become involved in the Village. Please send a letter-of-interest to Mayor Curt Cosby, 3536 Church Street, Newtown, Ohio 45244.

#### Holiday Street Decorations

Mayor Cosby asked Council to consider purchasing additional street lanterns/decorations for WinterFest 2010. There are about ten telephone poles the decorations would go on. They would line Church Street and add much needed light for the WinterFest event. Lynn Burger can get about 33% off of wholesale pricing until the end of February. Mayor Cosby said the amount for these decorations would not exceed \$6,000. The money would come out of the Beautification Fund. Mayor Cosby asked Council to please be prepared to make a decision at the 2-9-2010 Council meeting.

#### Ice Skating Rink

Mr. Evans said Gary Gottenbusch is interested in having an ice skating event at WinterFest. A location needs to be determined. Mayor Cosby said that would be a good idea.

#### Memorial Day Parade

Mark your calendars to attend the Newtown Memorial Day Parade, Monday, May 31, 2010 beginning at 10:00 a.m. The parade is sponsored by the Village of Newtown Veterans Association.

#### Dues and Fees

Ms. Everett presented Council with a list of membership dues and fees that were paid in 2009. Invoices for 2010 membership to Hamilton County Regional Planning Commission and The Center for Local Government are over \$1,000; therefore, Ms. Everett asked Council for approval.

• Association of Mayor's Court Clerks	\$ 50.00
• Hamilton County Regional Planning Commission	1,012.00
• The Center for Local Government	1,225.00
• Water Management Association of Ohio	65.00
• Treasurer, State of Ohio – Co-op Purchasing Program	100.00
• International Code Council/Property Maintenance Code	100.00
• Ohio Municipal League	614.00
• Hamilton County Municipal League (2008)	<u>375.00</u>
	\$3,541.00

**Mr. Kobasuk made a motion to approve membership dues to Hamilton County Regional Planning Commission for \$1,012.00 and The Center for Local Government for \$1,225.00, seconded by Mr. Evans. All Aye. (Mr. Tiettmeyer-Absent) Motion Carried.**

#### Council Minutes

**Mr. Zornes made a motion to approve 1-12-2010 Council Minutes, seconded by Mr. Kobasuk. All Aye. (Mr. Tiettmeyer-Absent) Motion Carried.**

**Mr. Zornes made a motion to approve 1-18-2010 Special Council Minutes (LMFD), seconded by Mr. Kobasuk. All Aye. Mr. Tiettmeyer-Absent. Motion Carried.**

#### Ordinance, Legal Counsel

**Mr. Zornes made a motion to suspend the rules, seconded by Mr. Burns. All Aye. (Mr. Tiettmeyer-Absent) Motion Carried.**

**Mr. Zornes made a motion to approve ORDINANCE NO. 01-2010 AN ORDINANCE PROVIDING FOR THE EMPLOYMENT AND COMPENSATION OF LEGAL COUNSEL, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Burns seconded the motion.**

Discussion

Mr. Kobasuk asked if the rates are the same, Solicitor Miller said there is a \$5.00 increase.

**Roll Call: Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes, Mr. Tiettmeyer-Absent. Motion Carried.**

Resolution, Property Maintenance Inspector

**Mr. Zornes made a motion to suspend the rules, seconded by Mr. Burns. All Aye. (Mr. Tiettmeyer-Absent) Motion Carried.**

**Mr. Zornes made a motion to adopt RESOLUTION NO. 07-2010 A RESOLUTION APPROVING A CONTRACT WITH RICHARD A. WEBER FOR PROFESSIONAL SERVICES, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Evans seconded the motion.**

Discussion

After much discussion, the following was decided. Mr. Weber's rate will remain \$32.50 an hour. If the workload dictates, Council agreed to one day a week and would like to see a report of his activities. Mayor Cosby will monitor Mr. Weber's workload.

**Roll Call: Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes, Mr. Tiettmeyer-Absent. Motion Carried.**

Resolution, Amending Building Commissioner Contract

**Mr. Zornes made a motion to suspend the rules. Mr. Burns seconded the motion. All Aye. (Mr. Tiettmeyer-Absent) Motion Carried.**

**Mr. Zornes made a motion to adopt RESOLUTION NO. 08-2010 A RESOLUTION APPROVING AN AMENDMENT TO A CONTRACT WITH MICHAEL R. SPRY FOR PROFESSIONAL SERVICES, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Harten seconded the motion.**

Discussion

This amendment includes the commercial building department services. Mr. Spry will be compensated for his services as an Independent Contractor at an annual contract amount of \$26,000 payable in monthly installments of \$2,166.66 for the period January 1, 2010 through December 31, 2010. In addition to the annual contract amount of \$26,000.00 Mr. Spry shall receive ninety percent (90%) of all actual fees collected by the Village for commercial building department services, exclusive of any amount collected for the three percent (3) surcharge collected and paid to the State of Ohio. (The Village shall retain ten percent (10%) of those commercial building department fees.) From this ninety percent (90%), Mr. Spry shall pay any direct out of pocket expenses incurred in the production of commercial building department fees, such as obtaining architectural or structural engineering opinions or approvals.

**Roll Call: Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes, Mr. Tiettmeyer-Absent. Motion Carried.**

Checklist

**Mr. Evans made a motion to approve Checklist dated 1/26/2010 for \$33,051.53 with the addition of \$4,491 to The Ohio Plan for the first quarter liability insurance payment. All Aye. (Mr. Tiettmeyer-Absent) Motion Carried.**

Maintenance Supervisor/Street Commissioner

Mr. Evans welcomed Ron Dickerson. Mr. Dickerson will start tomorrow as the Maintenance Supervisor/Street Commissioner and Cemetery Sexton.

Ordinance Appointing Maintenance Supervisor/Street Commissioner

**Mr. Kobasuk made a motion to suspend the rules, seconded by Mr. Evans. All Aye. (Mr. Tiettmeyer-Absent) Motion Carried.**

**Mr. Kobasuk made a motion to approve ORDINANCE NO. 02-2010 AN ORDINANCE APPOINTING A MAINTENANCE SUPERVISOR/STREET COMMISSIONER AND CEMETERY SEXTON IN THE VILLAGE OF NEWTOWN, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes, Mr. Tiettmeyer-Absent. Motion Carried.**

Ordinance Amending Salary for Maintenance Supervisor/Street Commissioner

**Mr. Evans made a motion to suspend the rules. Mr. Burns seconded the motion. All Aye. Mr. Tiettmeyer-Absent. Motion Carried.**

**Mr. Evans made a motion to adopt ORDINANCE NO. 03-2010 AN ORDINANCE AMENDING THE SALARY ORDINANCE, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.**

#### Discussion

The Maintenance Supervisor/Street Commissioner, Ron Dickerson, annual salary of \$45,000 shall be distributed such that the salary for the position of Maintenance Supervisor shall be \$40,000 and the salary for the position of Street Commissioner/Cemetery Sexton shall be \$5,000.

**Roll Call: Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes, Mr. Tiettmeyer-Absent. Motion Carried.**

#### Part-time Maintenance Technician

**Mr. Evans made a motion to hire Joe Rutter as part-time Maintenance Technician on an as needed basis, subject to passing his physical and any other related tests. Mr. Kobasuk seconded the motion. All Aye. (Mr. Tiettmeyer-Absent) Motion Carried.**

#### Resolution Drake Street Bridge Engineering Services

**Mr. Evans made a motion to suspend the rules, seconded by Mr. Kobasuk. All Aye. (Mr. Tiettmeyer-Absent) Motion Carried.**

**Mr. Evans made a motion to adopt RESOLUTION NO. 09-2010 A RESOLUTION ACCEPTING THE PROPOSAL FOR ENGINEERING SERVICES FOR THE DRAKE STREET BRIDGE IMPROVEMENT PROJECT, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.**

#### Discussion

Mr. Harten stated for the record, this is the project discussed at the 1-12-2010 Council meeting. Mr. Evans said this is just for the engineering services. Mr. Burns said if the Village is awarded the grant it will pay for the engineering fees. Ms. Everett said she believes the grants do not pay for the engineering fees. Ms. Everett said she thinks these engineering fees are separate. Solicitor Miller said he does not know if the grant pays any of the engineering fees.

**Roll Call: Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes, Mr. Tiettmeyer-Absent. Motion Carried.**

#### Little Miami Fire Board

Mr. Kobasuk attended the LMFD Board meeting January 20<sup>th</sup>. The following was discussed:

- No decision on the stimulus money rendered; therefore the status is unknown.
- Contract between the Village of Newtown and the Little Miami Fire District was discussed and the Fire Board agreed they would get Council's consent for the location of the fire station.
- Fire Board also agreed they would come to the Council for consent of a Park and Ride.
- The Fire Board also agreed to give Newtown until April 2, 2010 to review its options.
- Two sites in Newtown were discussed: E-Check location and the location next to Wendy's on SR 32.

Mr. Kobasuk said the Fire Board was very accommodating and they are trying to cooperate with Council. Mr. Kobasuk will report to Council after the Fire Board meetings and in his absence, Mr. Tiettmeyer will attend as alternate and report to Council.

#### Fire Board Resident-at-Large

**Mr. Kobasuk made a motion to appoint Terry Fairley as 2010 Fire Board resident representative to serve on the Little Miami Fire District Fire Board. Mr. Zornes seconded the motion. All Aye. (Mr. Tiettmeyer-absent) Motion Carried.**

Mayor Cosby said if we are under the assumption the Fire Board needs to come to the Village for consent on where they build a fire station. Mayor Cosby reiterated that there is a business in town trying to expand and stay within the village. The business is being told the fire district is going to purchase the fire station for \$970,000 and the appraisals are at 600,000 some odd dollars. He said Council needs to take whatever steps to clear the path for this business to be able to negotiate or the owners of the property are more willing to negotiate with this business if they are understand the fire district is not going to be knocking on their door anytime soon with a \$970,000 offer. Mayor Cosby said one of the duties of elected officials is to maintain and expand the tax base in the village for the good of all of the businesses and the residents and to keep taxes as low as possible. He said we need to achieve that goal for this business. Mayor Cosby asked Chief Driggers if the Fire Board would be prepared to write some type of letter stating their interest in the E-Check property has gone away.

Mr. Kobasuk suggested to Mayor Cosby waiting until mid-March since the Village just retained Mr. Kramer to look at fire options. Mr. Kramer will present his report in (45) forty-five days, which could reflect the best value and best quality solution is maintaining membership in the LMFD. Mr. Kobasuk said it could be Mr. Kramer may come back and show the E-Check is the best site for a fire station. Mr. Kobasuk said he would like to allow Mr. Kramer to do his work and come back to Council. Mayor Cosby asked Chief Driggers if this would impede on his work and asked if he is looking for station sites. Chief Driggers said he would not speak for the Fire Board. He said he has had a conversation with Mr. Kobasuk just the other day. Chief Driggers said he has received an email from the broker of the E-Check property and they asked Chief Driggers, as a representative of the Fire District, when they are going to move on the next phase of the purchase. Chief Driggers said he made the offer to Mr. Kobasuk, as a Fire Board member/Councilman asking if he wanted Chief Driggers to respond back to the broker indicating that at this point and time, the Fire District is not interested in pursuing the E-Check property at

that purchase price and that they should consider selling it to other interested parties based on what the market would prevail. Chief Driggers said Mr. Kobasuk asked him not to respond just yet to the email. Mr. Kobasuk said that is because he is not making that decision on his own. Chief Driggers said, in light of the timeframe Newtown has asked for to evaluate the membership with the Fire District. Chief Driggers said as he said the other night, the Fire District is not going to pay that kind of money for the E-Check property. He said what that person is relaying to the potential buyers is not truthful. Mayor Cosby said he feels we do need to give businesses in town every opportunity to not only stay in the village, but to enhance their ability to expand. Mayor Cosby said there are other sites in the village that could be utilized for a fire house that would not impede a business from expanding and stay in the Village of Newtown. He said they can expand and leave Newtown, which is one of their options. Mayor Cosby said, you are assuming this business is willing to stay around and wait (45) forty-five days or longer to make their decision, which may not be the case. He said it is prudent of this Council to do everything possible to retain or expand a business, especially in this case of possibly creating 20-30 new jobs. Mayor Cosby said he will state the expansion in additional jobs would be an additional tax base to this community. Mr. Kobasuk said he does want to do everything to maintain and develop business in Newtown. He said it just seems that we have gone down this road with the E-Check site being analyzed and why don't we just wait for the report from our independent expert as to what his recommendation is. Mr. Kobasuk said another six weeks, (45) forty-five days would not hurt. Mayor Cosby said maybe this business does not have (45) forty-five days to wait. Mr. Kobasuk said, what is better for Newtown, having the fire station or a business at the E-Check location? He said he would like to get all of the information from the consultant the Village just hired. Mayor Cosby said from a tax-base standpoint, there is no question what is more beneficial to Newtown. Mr. Harten said, assuming that is the case, he doesn't necessarily agree with that, what can this Council do to make that happen. Mr. Kobasuk said Council can give direction to our representative. Mayor Cosby said that is right that Mark said he didn't want to make that decision on his own and he commended Mr. Kobasuk for that. Mr. Kobasuk said he does not think it is his decision to make. Mayor Cosby said right and this Council needs to make a decision on this issue and that way give direction to the Chief. He is willing to respond to that email. Mr. Kobasuk asked Mr. Kramer if he had any thoughts that we have been talking about building a station at the E-Check building and has been investigated and now we have a business that wants to come in there. Mr. Kobasuk said he is not averse to having the business come in but is that an issue Mr. Kramer would take into account in the study? Mr. Kramer said from his perspective, he would not withhold any information from a business that would help keep that business in the village. He said they would probably find another location. Mr. Kramer said he would think that would trump fire house location possibility, simply because there are numerous alternatives that could probably be worked out for a fire house site. He said it will not affect his work either way, but from his perspective, he would try to keep the business in the village.

Mayor Cosby said with that being said, he would like for someone to make a motion to give direction to our Fire Board member and to Chief Driggers. Mr. Kobasuk said to give direction to both of our Fire Board members.

**Mr. Burns made a motion to ask Chief Driggers to send the email to the broker for the E-Check property. Mr. Zornes seconded the motion.**

#### Discussion

Mr. Evans said he agrees with Mr. Kobasuk that the (45) forty-five days to put the report together should not hurt the business one way or another. Mayor Cosby said we just had an expert..... Mr. Kramer said his perspective on this is that if you don't have an adequate tax base you are not going to have quality protection; regardless, of where it is located. Mr. Kobasuk said he just wants to act on all of the information and factor everything. Chief Driggers said one of the discussion points that started this whole thing was the Capital Improvement Levy and based on the study before going to the voters asking for a 2.3 mill levy was that they anticipated construction costs would not exceed 8 million dollars. Based on those formulas, the E-Check site was an inflated purchase price and a 2 million retro cost that was generalized gave it 3 million dollars. Chief Driggers said if the fire district were to buy another piece of property suitable for development and start with all new construction the construction cost would be higher than the conversion construction cost and might be looking at a 4 million dollar fire house versus a 3 million dollar fire house. Chief Driggers said the hope is 7 million will not be exceeded and the remaining million would not have to be collected from the taxpayers. Chief Driggers spoke to the property next to Wendy's, which is a little over 2 acres of land at a price of around \$700,000. An offer has not been made on this property. Chief Driggers said the Fire District will do whatever Council directs them to do. Chief Driggers said maybe it would give this business interested in the E-Check property the comfort to hang in there and not think about relocating if they would talk to him or the Fire Board saying they are interested in this property and ask the Fire District to back off for them to negotiate with the seller. Mayor Cosby said he can't dictate the timeframe that some business wants to act.

Mr. Kobasuk said this was not on the agenda tonight. And Mr. Tiettmeyer is not here tonight and this is a pretty big decision. Mr. Kobasuk said he is not against this business. He asked if this could be discussed in two weeks at the next Council meeting.

Mayor Cosby said he understood but if we lose this business it won't be for lack of him trying to keep them in the village. Mr. Kobasuk said he doesn't want to lose the business and doesn't want to do what might not be good for Newtown and for the fire station.

Mr. Evans said this Council voted 5:1 to go against another existing business that also has property here in Newtown. He said this whole Newtown situation was started from the same gravel business around here. If you go down Main Street, look at all of the asphalt and concrete plants. And when you voted against those businesses by what you voted against because of the mine that could have come through the back of these businesses without even going on the roads without any extra traffic, said Mr. Evans. He said there are a couple of ways to look at all of these different things. Mr. Evans said he agrees with Mr. Kobasuk that sometimes it is best to wait a little bit to have the dust settle. The decisions we make affect a lot of different people. Mr. Evans said he would like to think long and hard and if waiting two weeks until the next meeting might be the smart thing to do. Mr. Evans said he is for all businesses in Newtown as long as they are law-abiding. He said he tries to take into consideration all of the different people that work at all of these businesses because without these jobs we have no town. Mr. Evans told Mayor Cosby he thinks it is a good thing to help any business anytime Council can help a business but we do need to think about it first a little bit. Mayor Cosby said it has been suggested to wait until the report is received in (45) forty-five days, not two weeks. There is a motion on the table and unless they are willing to rescind the motion, Mayor Cosby wanted to take a vote. Mr. Kobasuk said his thought is to wait two weeks for Mr. Tiettmeyer and allow him to have some say in this since it is a big issue. Mr. Evans agreed. Mayor Cosby said he doesn't know that it is a huge issue really. Mr. Kobasuk said a lot of time has been spent looking at the E-Check property, whether that was right or wrong, they have spent a lot of time and money on these plans. He said he is not an expert in fire safety but they have gone down the road that we let them go down and to pull the rug out now when we are the verge of getting the study done without a council member present and it was not on the agenda. Mr. Kobasuk said we should give it two weeks to try and be open and transparent so everybody will know what is on the agenda. Mr. Harten said he is not against any business here in the village, but based on the facts on the table, it is confusing with a lot of issues and he thinks we are getting some place we don't belong right now. Mayor Cosby asked for a motion to rescind and Council can discuss in two weeks at the 2-9 council meeting.

**Mr. Burns rescinded the motion. Mr. Zornes rescinded his second. All Aye. (Mr. Tiettmeyer-absent) Motion Carried.**

#### Safety Committee

Mr. Kobasuk called for a Safety Committee meeting for Wednesday, February 10<sup>th</sup> at 7:00 p.m. Mr. Burns and Mr. Evans serve on this committee.

#### Finance Committee

In Mr. Tiettmeyer's absence, Mr. Kobasuk called for a Finance Committee meeting for Monday, February 1<sup>st</sup> at 7:00 p.m.

#### Ordinance American Legal Publishing, Ohio Basic Code

**Mr. Kobasuk made a motion to suspend the rules, seconded by Mr. Burns. All Aye. (Mr. Tiettmeyer-absent) Motion Carried.**

**Mr. Kobasuk made a motion to adopt ORDINANCE NO. 04-2010 AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2010 EDITION, AS THE CODE OF ORDINANCES FOR THE VILLAGE OF NEWTOWN, OHIO, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Burns seconded the motion.**

#### Discussion

Mr. Harten asked if there were any local changes or if this is only for at the state level. Mr. Burns said these are purchased every year to keep in house for Solicitor Miller to reference.

**Roll Call: Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes, Mr. Tiettmeyer-Absent. Motion Carried.**

#### Martin Marietta Mining

Mr. Kobasuk attended the Martin Marietta Mining final closing arguments. Solicitor Miller and Mr. Zornes were also present. Mr. Kobasuk said he thought the presentation by the opposition was very effective. He said if he had to make a vote he would certainly go with the opposition and not approve the Martin Marietta Mining issue. Mr. Kobasuk said he hoped we had done enough. The lead lawyers were from Indian Hill and Terrace Park, along with Solicitor Miller's help looking at briefs. The meeting was well-attended and the case against the mine was very compelling, said Mr. Kobasuk. Solicitor Miller said the Board will have a few more meetings, but as far as anything officially, once they make a decision they will put it in writing and then their legal counsel will look at it which can take six to eight weeks. A decision may be decided by summer.

#### ODNR Resolution, Application for Financial Assistance of Natural Resources Clean Ohio Trails for Restroom in Short Park

Mr. Burns explained the following grant applications to ODNR.

**2010 Clean Ohio Trail Funds grant application for Short Park Playground Equipment.**

Curt Cosby authorized signature.

75% grant.....	\$ 32,011
25% village match	<u>10,671</u>
Total	\$ 42,682

**2010 Clean Ohio Trail Funds grant application for Short Park Walking Trail Improvement.**

Curt Cosby authorized signature

75% grant.....	\$ 30,000
25% village match	<u>7,500</u>
Total	\$ 37,500

This application was made with a quote from Rack 7 Paving in Newtown.

**2009 Nature Works grant application for Moundview Park Playground Equipment.**

Curt Cosby authorized signature.

75% grant.....	\$ 23,210.00
25% village match	<u>7,736.50</u>
Total	\$ 30,946.50

The village match will come from the RRI recycling fund.

**2008 ODNR Trails Grant for Short Park Restroom**

Grant Award Total   \$ 25,471

This project must be completed prior to June 1, 2010. We can apply for a six month extension but the extension will cost the village negative points on future ODNR applications.

Short Park Playground Equipment Grant Application

**Mr. Burns made a motion to suspend the rules, seconded by Mr. Kobasuk. All Aye. (Mr. Tiettmeyer-absent) Motion Carried.**

**Mr. Burns made a motion to adopt RESOLUTION NO. 10-2010 A RESOLUTION APPROVING AND AUTHORIZING AN APPLICATION FOR FINAL ASSISTANCE FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES CLEAN OHIO TRAILS FUND, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion.**

Discussion

Mayor Cosby said there is a good chance this can come from the recycling fund since it was approved the first time around. And it is going to be the same type of equipment. Mr. Harten thanked Mr. Burns for clarifying the grant applications.

**Roll Call: Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes, Mr. Tiettmeyer-Absent. Motion Carried.**

Parks Committee

The Parks Committee will meet Monday, February 1<sup>st</sup> at 6:30 p.m. Fee structure for Moundview Park will be discussed.

Ordinance Street Opening

**Mr. Burns made a motion to suspend the rules, seconded by Mr. Evans. All Aye. (Mr. Tiettmeyer-absent) Motion Carried.**

**Mr. Burns made a motion to adopt ORDINANCE NO. 2010 AN ORDINANCE ESTABLISHING FEES FOR THE OPENING AND USE OF STREETS AND ROADS, WITH THE EXCLUSION OF THE EXCESS LOAD PERMIT FEES, DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes, Mr. Tiettmeyer-Absent. Motion Carried.**

Solicitor Miller spoke very highly of Mr. William Kramer, retired Deerfield Township Fire Chief. They worked together in Deerfield Township. If Newtown leaves the joint fire district, there would be no levy and would have to get a levy passed with the millage necessary to run a fire station, said Solicitor Miller.

Mr. Evans made a motion to adjourn at 8:37 p.m., seconded by Mr. Kobasuk. Motion Carried.